IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Bail Appl..No. 3774 of 2007()

CRIME NO.352/2007 OF TALIPARAMBA POLICE STATION

.....

: PETITIONER/ACCUSED

M.KRISHNAN NAIR, S/O KUNHIRAMAN NAIR,
AGED 54 YEARS, MILITARY PENSIONER,
KALLIASSERY AMSOM, DESOM, ANCHAMPEEDIKA P.O.,
KANNUR.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.3774 of 2007

Dated this the 21st day of June, 2007

ORDER

Application for anticipatory bail. Petitioner claims to be a respectable citizen - a retired military officer. He presented a cheque for collection in his account. It was found to be forged. Crime has been registered on the basis of a complaint filed by the Bank Manager. Investigation has just commenced. The petitioner apprehends imminent arrest.

2. According to the petitioner, he has only presented the cheque given to him by his employer. He had not an inkling that the cheque was forged. He is not in any way responsible for the forgery. He was not aware of the alleged fact that it is a forged cheque. In these circumstances it would be a traversity of justice to compel the petitioner to undergo the undeserved trauma of arrest and incarceration in prison. Subject to any appropriate conditions, anticipatory bail may be granted to the petitioner. The petitioner is willing to co-operate with the Investigators. He has already lodged a complaint, it is submitted, against the person who had issued the cheque to him.

3. The learned Public Prosecutor submits that at this stage specific allegations cannot be raised against the petitioner except that

it was he who had presented the forged cheque. All relevant details will be ascertained and then only the arrest of the petitioner if needed shall be effected. If directions under Section 438 Cr.P.C were to be issued in favour of the petitioner by this Court, it may be zealously ensured that the interests of a fair, efficient and expeditious investigation are protected adequately.

4. I have considered all the relevant inputs. I am persuaded to agree that this is a fit case where directions under Section 438 Cr.P.C, subject of course to appropriate safeguards, can be issued in favour of the petitioner.

5. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 28.06.2007. He shall be enlarged on bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 4 p.m on 28.06.2007 and 29.06.2007 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently he shall make himself available for interrogation

before the Investigating Officer as and when directed in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitiones were arrested prior to his surrender on 28.06.07 as directed in clause (1) above, they shall be released on bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 28.06.07.

(R.BASANT, JUDGE)

rtr/-